

**WORKERS' COMPENSATION LAW**  
FALL 2015  
**SYLLABUS AND CLASS SCHEDULE**

**INSTRUCTOR:** Jesse A. Marino, Attorney at Law

**CONTACT INFORMATION:**

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**EMAIL COMMUNICATIONS WITH INSTRUCTOR:**

Please indicate the following on the SUBJECT line: *WC Last, First* name.  
EXAMPLE: *WC Marino, Jesse*

**OFFICE HOURS:** 30 Minutes before class or by appointment.

**TEXT BOOKS:**

Required Reading

*Workers' Compensation Quick Reference Guide 2015, by Med-Legal, Inc.*

Note: This will be provided to you on the first day of class at no charge.

Also, I will provide you a reading list for each class.

**You must bring this with you every day to class.**

Reference via internet [NO PURCHASE REQUIRED]:

*California Labor Code [internet link below]*

[http://www.leginfo.ca.gov/.html/lab\\_table\\_of\\_contents.html](http://www.leginfo.ca.gov/.html/lab_table_of_contents.html)

*California Code of Regulations [internet link below]*

<http://www.dir.ca.gov/samples/search/querydwc.htm>

*Division of Workers' Compensation, Workers' Compensation Appeals Board POLICY AND PROCEDURAL MANUAL 2013*

[http://www.dir.ca.gov/wcab/wcab\\_policy\\_proceduremanual/Policy\\_andProcedure\\_Manual.pdf](http://www.dir.ca.gov/wcab/wcab_policy_proceduremanual/Policy_andProcedure_Manual.pdf)

Recommended – NOT REQUIRED

*California Workers' Compensation Handbook ,*

Stanford D. Herlick [Twenty-Fourth Edition 2015]

**This text is not required for the class.**

I use this text daily. It is comprehensive and if you work or intend to work in a law office that handles workers' compensation case it is a great resource.

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## **OBJECTIVES:**

This course is designed to give the student an introduction to workers' compensation law. The first few classes will be spent on the nature of workers' compensation law and the judicial system. The remainder of the semester will be spent examining the different kinds of areas involved in worker's compensation law.

## **GRADING:**

The quizzes will be essentially multiple choice and true/false type questions. There may be a short answer section to one or more quizzes. The final will be comprehensive and contain multiple choice, true/false, and essay questions. Your final grade will be based on the total score of quizzes, assignments, and a final.

Quizzes:	40%
Assignments/Projects:	20%
Final:	40%

## **FINAL GRADES:**

89.5%+	=	A
79.5%+	=	B
69.5%+	=	C
59.5%+	=	D
<59.5%	=	F

## **TESTS:**

There will be quizzes and a final. There will be no make-up quizzes.

## **HONESTY/INTEGRITY POLICY:**

A student found cheating on any exam will receive no credit (i.e. no grade) for that exam. A second instance of cheating will result in a failing grade and the student will not be allowed to drop and receive a W grade for the course.

## **ATTENDANCE AND ABSENCES:**

Attendance: You are expected to attend all class sessions. College policy states that a student may be dropped for nonattendance. Students are responsible for officially withdrawing from classes they do not plan to complete. Under extenuating circumstances, a student may be reinstated by contacting the instructor. Extenuating circumstances include verified cases of accident, illness, or death in the family and other conditions that are beyond the control of the student.

Absences: Because of enrollment demand, students are normally dropped when they do not appear for the first class meeting. A student will be dropped for excessive absence when one or

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more than the number of class hours per week has occurred, or three to five consecutive absences. It is your responsibility to check the class schedule for important dates regarding holidays and drop dates. If you must be absent from class, it is also your responsibility to get class notes, handouts, and/or directions from a classmate.

## **DROP AND WITHDRAWAL:**

It is the student's responsibility to drop a class, not the instructors. I have had students receive a failing grade when they forgot to drop the course. I may, however, drop a student who fails to attend regularly.

## **PAGES/CELL PHONE PROCEDURE:**

To ensure consideration for other participants in our class, please turn off (or set to vibrate) all pagers and cell phones while in the classroom. If you are on-call for emergencies (medical, childbirth, etc.), please let me know at the beginning of the class. The first time you forget, you will be forgiven. The second time, you will be asked to leave the class for the rest of the class session.

## **ACCOMMODATIONS FOR DISABILITIES:**

Students with verifiable disabilities who want to request academic accommodations are responsible for notifying their instructor and Disabled Students Program and Services (DSPS) by phone (714) 564-6260 or (714) 564-6384 (TDD for students that are deaf) or stop by the DSPS Center in U-103.

## **CONFERENCES:**

Students wishing a conference should contact me. If you are having trouble with the material I may be available to assist you. It is your responsibility to advise me when this occurs, or if you have special needs.

## **STUDENT LEARNING OUTCOMES:**

Students will demonstrate thinking and reasoning skills by demonstrating the ability to apply the appropriate law to factual scenarios and to prepare proper legal documentation where applicable. Students will demonstrate sufficient information in Workers' Compensation law that would allow the student to assist an attorney in a law office setting. Students will demonstrate the ability to work with students from diverse socio-economic backgrounds. Students will demonstrate the ability to manage time and deadlines. Students will acquire skills necessary to work as a paralegal in a law office. Students will demonstrate an understanding of ethics and issues prevalent in a law office.

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## CLASS SCHEDULE:

<u>Class # / Date</u>	<u>Subject</u>
1. 08/27/2015	Introduction Class requirements California Workers' Compensation <i>Claims</i> System Employment vs. Independent Contractor. Who is covered? Jurisdiction
2. 09/03/2015	The language of California Workers' Compensation [HANDOUT] Cumulative Traumas; Specific Injuries Defenses; psyche, sleep disturbance and sexual dysfunction injuries AOE/COE (Arising Out of Employment / Course of Employment)
3. 09/10/2015	Benefits (overview): Medical, Temporary Disability, Permanent Disability / Impairment, Supplemental Job Displacement Voucher (SJDV), Death Benefits (for dependants or the State of California) Earnings, Temporary Disability, Death Benefits
4. 09/17/2015	Practice and Procedure (forms) Discovery (Depositions, Subpoenas, cross examinations of doctors) Medical Treatment and Issues Hearings
5. 09/24/2015	Medical Evidence and Reporting by physicians Labor Code §§4060; 4061; 4062 and 8 CCR §9785 Permanent Disability Apportionment Subrogation to 3 <sup>rd</sup> Party Claims Contribution between insurance carriers
6. 10/01/2015	Other Clams: Labor Code §132a; Labor Code §4553 Serious & Willful Misconduct Liens Sanctions for bad faith actions and tactics Labor Code §5813 Penalties for unreasonable delay ... of benefits Labor Code §5814 Attorney Fees In general Penalty Labor Code §5814.5
7. 10/08/2015	Class Review of all material covered in all prior classes
8. 10/15/2015	Final Exam Preparation & Review Final Exam